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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TERRANCE MCNICHOLS,  
  
Defendant.

Case No.: 2:07-cr-00130-RCJ-VCF

**ORDER GRANTING  
STIPULATION TO CONTINUE  
HEARING REGARDING  
REVOCATION OF SUPERVISED  
RELEASE**  
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Stephanie Ihler, Assistant United States Attorney, counsel for the United States of America, and Telia Mary U. Williams, counsel for Terrance McNichols, that the hearing regarding revocation of supervised release, currently scheduled for December 15, 2020 at 2:30 pm, be vacated and set to a date and time convenient to this Court, but no sooner than sixty (60) days. **The parties are amenable to a date and time of February 16, 2021 at 2:30pm for the hearing.**

1 The Stipulation is entered into for the following reasons:

2 1. Counsel for the defendant is looking to have out-of-state witnesses for the  
3 defendant's probation revocation hearing, who will need additional time to travel to Las Vegas,  
4 Nevada, for the hearing, making the December 15, 2020 date less feasible than before, due to  
5 precautions being re-instituted for Covid-19, which may affect the witnesses' ability to return  
6 home after being in Las Vegas;

7 2. In addition, Counsel for the defendant has retained a mental health expert who  
8 requires additional time to evaluate the defendant, both in terms of a defense, and in the  
9 defendant's ability to assist counsel;

10 3. The defendant is in custody, but does not object to the continuance.

11 4. The Government does not object to the continuance.

12 5. The United States Probation Officer assigned to this matter, Matthew Martinez,  
13 does not object to the continuance.

14 6. The additional time requested herein is not sought for purposes of delay, but to  
15 allow defendant sufficient time within which to prepare for the hearing.

16 7. Denial of this request for continuance could result in a miscarriage of justice.  
17 The additional time requested by this Stipulation is excludable in computing the time within  
18 which the hearing herein must commence pursuant to the Speedy Trial Act, Title 18, United  
19 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
20 Section 3161(h)(7)(B)(i), (iv).

21 8. The parties are amenable to a date and time of February 16, 2021 at 2:30pm for  
22 the rescheduled hearing.

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1 This is the second stipulation to continue filed herein.

2 DATED this 7th day of December, 2020.

3  
4 LAW OFFICE OF TELIA U. WILLIAMS

NICHOLAS TRUTANICH  
United States Attorney

5  
6 */s/ Telia Mary U. Williams*  
7 By \_\_\_\_\_  
8 TELIA MARY U. WILLIAMS  
Counsel for Terrance McNichols

*/s/ Stephanie Ihler*  
By \_\_\_\_\_  
STEPHANIE IHLER  
Assistant United States Attorney

9  
10 By */s/ Matthew Martinez*  
11 MATTHEW MARTINEZ  
United States Probation Officer

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 TERRANCE MCNICHOLS,

7 Defendant.

Case No. 2:07-cr-00130-RCJ-VCF

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Counsel for the defendant is looking to have out-of-state witnesses for the  
14 defendant's probation revocation hearing, who will need additional time to travel to Las Vegas,  
15 Nevada, for the hearing, making the December 15, 2020 date less feasible than before, due to  
16 precautions being re-instituted for Covid-19, which may affect the witnesses' ability to return  
17 home after being in Las Vegas;

18 2. In addition, Counsel for the defendant has retained a mental health expert who  
19 requires additional time to evaluate the defendant, both in terms of a defense, and in the  
20 defendant's ability to assist counsel;

21 3. The defendant is in custody, but does not object to the continuance.

22 4. The parties agree to the continuance, as does the United States Probation Officer  
23 assigned to this matter;

24 5. The additional time requested herein is not sought for purposes of delay, but to  
25 allow the defendant sufficient time within which to prepare for the hearing.  
26


7. The parties are amenable to a date and time of February 16, 2021 at 2:30pm for the rescheduled hearing.

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy hearing, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the hearing, taking into account the exercise of due diligence.

## ORDER

DATED this 8th day of December, 2020.

020.

  
UNITED STATES DISTRICT JUDGE